

City Council Meeting Minutes

**March 15, 2016
City Hall, Council Chambers
749 Main Street
7:00 PM**

Call to Order – Mayor Muckle called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present:

City Council: ***Mayor Muckle, Mayor Pro Tem Lipton
City Council members: Ashley Stolzmann, Dennis
Maloney, Chris Leh, Susan Loo and Jay Keany***

Staff Present: ***Malcolm Fleming, City Manager
Heather Balser, Deputy City Manager
Kevin Watson, Finance Director
Kurt Kowar, Public Works Director
Meredyth Muth, Public Relations Manager
Carol Hanson, Acting City Clerk***

Others Present: ***Sam Light, City Attorney***

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Council member Keany. All were in favor. Agenda approved.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Mayor Muckle called for public comments on items not on the agenda..

Debby Fahey, 1118 W. Enclave Circle, Louisville, CO thanked everyone for attending the Heat Relief Dinner and participating in the Silent Auction. She thanked those who sent donations and said close to \$10,000 was raised. She noted a Weigh and Win

kiosk is going to be installed at the Recreation Center and will be available to anyone who wants to use it.

Jean Morgan, 1131 Spruce St., Louisville, CO noted there is a champion saucer magnolia at South and Main Street in beautiful pink bloom.

APPROVAL OF THE CONSENT AGENDA

Mayor Muckle called for changes to the consent agenda and hearing none, moved to approve the consent agenda, seconded by Council member Leh. All were in favor.

- A. *Approval of the Bills***
- B. *Approval of Minutes: March 8, 2016***
- C. *Approval of Agreement with Browns Hill Engineering and Controls for 2016 Supervisory Control and Data Acquisition Master Plan and Upgrade***
- D. *Approval of Quit Claim Deed for Portion of Private Drainage Easement – Kestrel Subdivision Lot 3***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Mayor Muckle welcomed back Mayor Pro Tem Lipton. Mayor Pro Tem Lipton stated he had heard from residents and asked, since the Ranger position is not yet filled, there be some policing of dog regulations near Davidson Mesa.

CITY MANAGER'S REPORT

City Manager Fleming reported on the following:

- Ranger not hired yet, however Code Enforcement has been on the Mesa warning folks about dog on leash, etc. When the Ranger is hired, they will help with rules and regulations enforcement and education on Open Space.

Capital Projects:

- Front Street pass-through to Community Park. Staff met with the effected landowner and all are working toward a good solution.

Public Works Director Kowar reported on:

- County Road Bridge has crane sitting there, staff is working on sequencing with Xcel to accommodate the work
- Wastewater Treatment Plant is on schedule and on budget
- Parking lot at Front and Elm – paving stopped by weather should continue this month
- Drainage project on Hwy. 42 and downtown to improve floodplain. A bore was completed under railroad and now are working west into downtown. Stormwater pipes and inlets installed to handle more water
- Hwy 42/Short Street intersection new signal bids will go out. Design of curb, gutter and median as second phase

- Sid Copeland WTP pump station aged and needs upgrade. Bids are out.
- Dillon Bridge by Golf course (flood related) completed. Just some close out and documentation left
- Water intake damaged during the flood, funding partners helped to get that open this week.

City Manager Fleming noted this was just a few of the projects Public Works is managing. He encouraged everyone to check out the Sweet Spot Café at the Golf Course.

REGULAR BUSINESS

RECOGNITION OF DAVE FERGUSON – HISTORICAL COMMISSION

Mayor Muckle recognized Dave Ferguson who has served on the Historical Commission continuously for 22 years prior to 2016 when he chose not to reapply for the Commission. On behalf of the City Council and City staff, Mayor Muckle thanked Dave for his years of service and dedication.

Dan Mellish, Chair of the Historical Commission, noted Mr. Ferguson provided the color commentary and fact checking during the commission meetings and he thanked Mr. Ferguson, on behalf of the Commission, for his contribution.

Michael Deborski, 601 Pine Street, Louisville, CO thanked Dave Ferguson for the good influence on his and many other lives. He noted the Fergusons always had an open door policy.

Randy Caranci, 441 Elk Trail, Lafayette, CO noted the Caranci and Ferguson families have been friends forever. He suggested going back to calling the area by County Road Bridge “Murphy’s Hill”. He thanked Mr. Ferguson for his contribution to the Historical Commission.

Jean Morgan, 1131 Spruce St, Louisville, CO noted Dave Ferguson was the first recording of an oral history she did and remarked it is available at the museum.

Mayor Muckle presented a plaque to Mr. Ferguson and a photo was taken with all the family members present.

Mr. Ferguson commented he couldn’t believe what he had just heard. He thanked everyone and noted the City of Louisville was a great place to raise his family.

The audience showed their appreciation with a standing ovation.

**RESOLUTION NO. 14, SERIES 2016 – A RESOLUTION
APPROVING A BUSINESS ASSISTANCE AGREEMENT WITH
ACCURENCE, INC. FOR AN ECONOMIC DEVELOPMENT
PROJECT IN THE CITY OF LOUISVILLE**

Mayor Muckle called for a staff presentation.

Deputy City Manager Balser noted Accurrence, Inc. develops and maintains mobile and desktop applications for insurance and contractor companies in the roofing industry.

Products assist adjusters and contractors in estimating and scoping projects.

- Founded in 2005 and has evolved into a software-as-a-service (SaaS) model for the roofing industry.
- Jacob Labrie, President

Project is to relocate their headquarters

- Seeking 18,000 SF in the Northwest corridor.
- Currently located at 11030 Circle Point Road in Westminster.
- Interested in 305 S. Arthur Avenue
 - 18,000 sf new construction project proposed by Etkin Johnson.
- 59 new jobs to Louisville
 - Within 5 years, projected to be 71 employees
 - Wages significantly higher than Boulder Co. average wage
- \$750,000 in tenant improvements within new building.
 - \$27,500 in City Permit Fees, Construction Use taxes
 - \$1,900 is for Open Space and Historic Preservation purposes

Proposed Assistance:

- 50% rebate of City Building Permit Fees
\$5,400 value
- 50% rebate of Construction Use Taxes
\$5,600 value
- Incentives capped at \$11,000.

Council member Leh noted Accurrence is a client of his, recused himself and left the meeting.

Deputy City Manager Balser continued with the presentation.

- Considering locations in Westminster and Broomfield
- Lease rates for locations are significantly less than 305 South Arthur
 - 108th and Wadsworth, Broomfield (\$12.86 psf NNN)
 - 11030 Circle Point, Westminster (\$15.00 psf NNN)

- 305 S. Arthur, Louisville (\$18.25 psf NNN)
- Meets the general criteria of the BAP Program
 - expansion of jobs,
 - encouraging the diversity of jobs or employment opportunities,
 - Value added by moving the company's corporate headquarters to the city,
 - Project conforms to the comprehensive plan.

Staff recommended approval of a Business Assistance Package with Accurrence, Inc.

APPLICANT PRESENTATION

Tim Bruffey, one of the co-founders of Accurrence, noted they started in the CTC, liked the area and would like to return.

Mayor Muckle called for Public Comment and hearing none, called for Council comment.

COUNCIL COMMENT

Council member Loo noted BRaD (Business Retention and Development) is defining policy on how Business Assistance Packages (BAPs) are done.

Council member Maloney asked about the timing on the completion of building and if it was possible. Deputy City Manager Balser and the applicant agreed the timing was possible.

MOTION: Mayor Muckle moved to approve Resolution No. 14, Series 2016, seconded by Council member Maloney. Roll call vote was taken. Motion carried 6-0. Council member Leh recused.

Council member Leh returned to the meeting.

RESOLUTION NO. 15, SERIES 2016 – A RESOLUTION SETTING CERTAIN WATER, WASTEWATER, STORMWATER AND OTHER FEES, RATES AND CHARGES FOR THE CITY OF LOUISVILLE, COLORADO

Mayor Muckle called for a staff presentation.

Public Works Director Kowar stated staff recommended increasing the City's water and wastewater rates to (1) fund significant improvements at the City's wastewater treatment plant needed to satisfy new mandatory Federal and State wastewater standards and (2) provide sufficient revenue to properly operate and maintain the City's water and wastewater utility systems. Staff recommends Council adopt the proposed rate increases to go into effect May 1, 2016. The increase proposed for adoption at this

time is for 2016 rates only. Future rates will be evaluated for future increases each year.

In late 2015 and early 2016 City staff and Raefalis Financial Consultants completed a rate evaluation for the water, wastewater, and stormwater funds. This evaluation used the most recent cost and revenue information to review and update the work completed in the 2014/2015 rate evaluation. The goals of this work are to ensure rates and fees continue to generate sufficient revenue to maintain required income to expense and debt coverage ratios, sustain utility operations and facilitate effective planning and budgeting. Staff presented the results of this evaluation to the Water Committee in November 2015 and February 2016.

The project team realized they could not just do nothing so reviewed two other scenarios. The “Just-in-Time” scenario uses rate increases set and timed to generate revenue needed only in that year. This approach results in major increases in one year and excess revenue or rate reductions in subsequent years. The alternative “Smoothing” scenario sets and times rate increases to produce just enough revenue when needed but do so by more gradually increasing rates over several years. Staff recommends the Smoothing scenario continue to be used to minimize large increases and to distribute increases over time.

The recommended increases will continue the process of matching Utility revenue with projected expenses for operations and required capital improvements. If adopted, the average residential combined water, wastewater, and stormwater utility bill will increase from \$63.46 per month to \$71.26 per month.

Staff recommends increasing utility rates for the 2016 calendar year by 13.0% for water and 13.0% for wastewater, with the increase effective May 1, 2016. Staff does not recommend an increase to stormwater rates at this time because current rates are adequate to cover projected costs.

Mayor Muckle called for questions from Council and hearing none, called for public comment.

PUBLIC COMMENT

Debby Fahey, 1118 W. Enclave Circle, Louisville, CO asked if money was being put aside to pay any debt increase in the future.

Finance Director Watson stated the debt load is designed to remain level.

Michael Menaker, 1827 W. Choke Cherry Drive, Louisville, Co noted he had no trouble paying his fair share, but took issue with the last gallon costing more than the first. Charge equitably; remove punitive pricing from the water rates.

COUNCIL COMMENT

Mayor Pro Tem Lipton noted he continues to express disappointment for having to raise the rates substantially and is frustrated by continuing to increase the cost of living in Louisville. Raising the rates seems easy to do, but there is a need to keep an eye on this during the five year plan. Block pricing needs to reflect strength of cost, and the last gallon really does cost more than the first.

Council member Stolzmann referred to the slide showing increase over time. She understood the need to replace infrastructure but was concerned about a doubling of rates in ten years. She encouraged the Water Committee look at ways to reduce that increase. She asked if the loan to Golf Course from the Wastewater Fund and the rate it is being paid back had any effect on water rates; would paying that off and having the loan to the Golf Course come from a different fund impact the water rate.

Finance Director Watson said those numbers could be run to find out.

Council member Stolzmann thought it might be interesting for the Water Committee to explore. She cautioned against taking dollars from the Water fund unless the expense was caused by the water utility because it does impact water bills.

Council member Loo asked about the utility rate increases and did not want citizens confused about actual cost. She noted billing charges and readiness to serve are not factored in. The notice that trash was not included needs to be clearer.

Public Works Director Kowar confirmed the notice would be made clearer in stating trash dollar amounts were not included.

Mayor Muckle noted the 2015 price for surrounding cities and Louisville's is 2016. All will likely be doing rate increases. The rate structure conversation led to the block structure to have customers pay for what they are getting. Most of the infrastructure is of the same age and aging. Systems need maintained going forward and to continue to provide core services into the future in a cost effective way. Opportunities to save money will continue to be considered. He thanked staff and Council for grappling with the numbers.

MOTION: Mayor Muckle moved to approve Resolution No. 15, Series 2016, seconded by Council member Loo. Roll call vote 7-0. Motion carried.

**AGREEMENT WITH H2 DEVELOPMENT SERVICES, LLC FOR
CONSTRUCTION MANAGEMENT SERVICES RELATED TO
CORE AREA REDEVELOPMENT PROJECTS**

Mayor Muckle called for a staff presentation.

Public Works Director Kowar noted this is an opportunity developed over a very short period of time with multiple complex components regarding construction and construction management services for the Highway 42/Core Area redevelopment.

The City has been working on the design of the South Street Underpass and the Core Area Redevelopment planning and financing for many years. Components of the redevelopment construction were to be completed during different seasonal construction time frames. Due to delays by the BNSF for the South Street Underpass, desire by the City to expedite water, sewer, and street improvements on streets with poor surface condition, addition of parking improvements to resolve Downtown parking issues, and a vibrant private development environment for non-city owned property the Core Area will experience all construction in the same area during the same construction season. This sole source recommendation is an outcome of preliminary meetings with H2 focused on the City bidding and building its own work and how best to coordinate with BNSF, DELO 2, and DELO Plaza improvements already underway. Ultimately, City Staff believes this is the most efficient way to ensure a quality-coordinated project on time, while incorporating competitive pricing.

City Staff recommends the sole source with H2 due to the fact that they are currently responsible for the major portions of construction underway in the Core Area development. The large portions of work to be completed are adjacent and dependent upon each other for successful completion of a cohesive and attractive project outcome. At this time, it would be difficult to bid and coordinate multiple contractors for the South Street Underpass, Front Street improvements, and parking improvements without adverse effects to the Core Area redevelopment construction. Approval of this contract also expedites the timeline for bidding and initialization of construction by 1-2 months in a busy construction environment where costs are continually increasing as time goes by.

Staff recommends approval of a sole source contract with a preliminary budget in the amount of \$3,115,193 with H2 Development Services, LLC (H2) for construction management services along with the reconstruction of South Street from Main Street to Highway 42, the South Street Burlington Northern Santa Fe (BNSF) Underpass, Front Street from Walnut Street to Short Street, a new City parking lot on Lot 4 of the DELO Plaza Subdivision, and improvements to parking at Miners Field.

The proposed H2 contract provides for a flat 5% fee on infrastructure improvements and a to be determined negotiated contingency not to exceed 7% that would be an incentivized 50% shared savings (50% goes back to the City and 50% goes to H2) at the end of the project. The contingency will be reviewed at the time of the award of the actual bid cost of work to determine a reasonable amount for risk and shared savings.

Services in the H2 contract include solicitation and competitive bidding for all identified work, coordination of subcontractor sequencing and construction, and management of follow-up for a 2-year warranty.

A budget amendment will be required to formally approve the increased amounts to the Capital Fund, Water Fund and Stormwater Fund. This would occur in April/May of 2016 in conjunction with the overall budget amendment typically occurring in the 2nd quarter of the year. Capital Fund and Water Fund increases in 2016 will produce future decreases in the 5 year CIP due to acceleration of water line replacement previously planned for 2017 and booster street reconstruction previously planned for 2019.

Staff recommended Council authorize the Mayor, City Manager, City Attorney, and Director of Public Works & Utilities to negotiate and execute a final agreement incorporating actual bid costs with H2 Development Services, LLC based upon the Preliminary Budget of \$3,115,193.94. In the event the actual bid costs exceed 10% of the Preliminary Budget this agreement will come back before City Council for additional review.

COUNCIL QUESTIONS

Council member Stolzmann asked about the handouts Council received. Public Works Director Kowar noted he had provided an overview describing the qualifications of H2. He provided a summary of the Urban Renewal Authority agreement reconciliation to be paid out over some amount of time; estimated to be around \$1.9 million. There was also an updated forecast of project costs.

Mayor Pro Tem Lipton inquired when firm estimates would be available to understand what the costs are.

Public Works Director Kowar said if the contract was awarded, the bidding process would occur over the next month.

Pro Tem Lipton asked what would incentivize the contractor to constrain the cost besides the sharing of risk and reward of the contingency.

Public Works Director Kowar stated there is no risk or reward management on the actual line items. What is bid is how the final contract will be structured. Mayor Pro Tem Lipton asked if as the bids come in, adjustments would be made to the contingency and then the sharing of contingency savings as the price gets more refined. The answer was yes.

Council member Maloney asked what if bids come in at 4 million dollars. Public Works Director Kowar noted Council would then have to review. Council member Maloney thought sequencing the projects made perfect sense but in asking for a sole source, he felt the need for a good job of communication in explaining why this is the right time and what the economies of scale are.

Public Works Director Kowar noted H2 was already operating in the area, it would be difficult for the City to bring in their own contractor because of sequencing problems and the 5% fee was very competitive.

Mayor Muckle noted the sole source was the management. The pieces will be bid out by H2.

Mayor Pro Tem Lipton asked if H2 was providing the engineers. Public Works Director Kowar said H2 is managing the construction services and subcontractors.

Mayor Muckle noted the benefits are obvious. He asked what the total cost is compared to what was expected for all the projects.

Public Works Director Kowar thought the cost was 2.9 million originally and is now in the range of 4.2 million. Roughly 30% is in construction cost increases and the railroad portion of the project has increased

Mayor Muckle noted some of the funds were already committed to these projects. He wanted to get a sense of how far beyond those dollars would this collaboration take us.

Public Works Director Kowar said in the capital fund it would be about \$1 million beyond what is budgeted this year, Water Fund about \$468,000 more, Stormwater Fund is \$89,000 more. City Manager Fleming noted some of those costs not budgeted for in 2016 were budgeted in 2017/2018 so will move those project activities forward.

Council member Loo noted the up-side to this is project costs have increased and economy of scale will be recognized by doing this all at once. Some money spent earlier should result in savings in the out years.

Council member Stolzmann asked about the difference in the Capital Fund overage from the packet to presentation. Public Works Director Kowar noted the \$1 million he referred to did not take credit for the downtown parking/transit project surplus, phantom flagging costs of \$150,000 added for BNSF, and taking credit for \$200,000 for Urban Renewal Authority reconciliation.

PUBLIC COMMENT

Michael Menaker, 1827 W. Choke Cherry, Louisville, CO was in awe of Public Works Director Kowar ability to put all the moving parts together. He noted the vision for this area was begun in 2003. This would hasten the opportunity to recognize real synergy and savings. He urged Council to approve.

John Leary, 1116 La Farge, Louisville, CO said the theory of urban renewal is it builds up the tax base to see benefit in the future. It has been demonstrated before even looking at this project, it would be sometime after 2065 before any agencies who gave up tax money might break even. This project was not put into the calculation and he felt it was too much commitment to give .

COUNCIL COMMENT

Council member Stolzmann expressed concern and wondered what was driving the rush. She did not want to make a judgement without all the information. She wondered if the economy of scale was for the community or the developer of the housing in the area.

Mayor Pro Tem Lipton agreed the projects needed to be looked at as a whole. From a strategy viewpoint, he did not disagree with what was trying to be accomplished. The faster it is done, the more cost effective especially with construction cost inflation. He would have liked to have had more of a heads up.

Public Works Director Kowar noted the ideal was to make a decision tonight. He wanted to bundle an opportunity when it arose.

City Manager Fleming wondered if another alternative would be an advantage; getting contractors to coordinate would very likely be more expensive.

Council member Maloney thanked Public Works Director Kowar for putting this together. This will enable transit; walking and biking between the DELO area and east side of railroad tracks and downtown. He felt the project was an economy of scale and cost effective because it is done by a contractor who is doing other projects there. It makes sense but he was hesitant about supporting sole source projects. He would, however, support this project.

Council member Leh appreciated the Public Works team for all their work on this project. He felt getting all the parts, funding sources, BNSF's attention, to all come together is remarkable. He was not in favor of sole sourcing as a rule but was convinced the cost would only rise if delayed. He voiced support for the project.

Council member Keany thought the pieces were all needing done so he would support the proposal.

Mayor Muckle noted all of Council was in favor of bidding projects, but the question was did they want to make an exception to get the coordination benefit. He noted most of the projects were paid or budgeted for as City projects, not urban renewal.

AGREEMENT WITH H2 DEVELOPMENT SERVICES, LLC

MOTION: Council member Maloney moved Council authorize the Mayor, City Manager, City Attorney and Director of Public Works to negotiate and execute a final agreement incorporating actual bid costs with H2 Development Services, LLC for the South Street Underpass Construction Project based upon the Preliminary Budget of \$3,115,193.94. In the event the actual bid costs exceed 10% of the Preliminary Budget the agreement will come back before City Council for additional review. Council member Loo seconded.

Council member Stolzmann explained she would not support this because she felt there were too many unanswered questions. She felt the exposure was larger than the reward.

ROLL CALL VOTE: 6-1. Council member Stolzmann voting no. Motion carried.

City Manager Fleming thanked Kurt for negotiating this in addition to his numerous other duties. Public Works Director Kowar thanked Finance Director Watson and City Attorney Light for their help in getting this all done in a short amount of time.

DISCUSSION/DIRECTION/ACTION – 2016 CITIZEN SURVEY INSTRUMENT

Mayor Muckle called for a staff presentation.

Public Relations Manager Muth stated City Council gave Councilmembers Leh and Maloney input on the 2016 Citizen Survey instrument at the meeting on March 8. Included in the packet was a revised survey instrument for discussion. The majority of the survey should be finalized at this point, but questions 13 – 17 were those with the most changes. Input is sought on these specific questions. She reminded Council this is a citizen survey done every 4 years and will be sent to 2,000 randomly selected residents to get a statistically valid cross section representation.

Mayor Muckle called for Council comment..

COUNCIL COMMENT

Council member Loo thanked everyone who worked on the survey. She liked the way question 13 was re-done. She felt question 16 doesn't give the public the right idea. She suggested a phrase she borrowed from John Leary. "Most of the land zoned for residential uses in Louisville has been built out."

Council member Maloney and Council member Leh agreed. Council member Leh thanked everyone for their input on the survey.

Council member Loo and Council member Leh noted some typos to clean up.

Mayor Pro Tem Lipton didn't want to see trash pickup go to two weeks. He thought the better question was paying more for composting.

Council member Stolzmann said the question was to gauge where the community is on this issue.

Council member Maloney still found question #14 confusing. He felt the survey is important and was not an easy project. He thanked everyone who worked on it. He

wanted Council to be open to what the answers really were even if they are not what was expected.

Council member Stolzmann wanted to add a space for any feedback. She questioned why #16 now focused in on two specific areas.

Council member Leh said the team struggled with questions if asked and answered, would Council be able to use it to make decisions. The instrument is not perfect but helps to know what the public wants.

Council member Maloney reminded Council this was done every four years. Naming specifics give context for what is there and what is possible and a general question might be too broad.

Council member Stolzmann didn't oppose the question, just felt something was lost.

Council member Loo addressed open ended questions and asked what the consultant's answer was at the last meeting. Public Relations Manager Muth stated it was not done in previous surveys because open ended questions are not statistically helpful nor is there an ability to cross tabulate. It can be useful information, and there could be an open ended question but with some specificity.

Council member Leh felt there was nothing to lose by asking an open ended question.

Council member Loo asked if there was room for an open ended question. She was supportive of a directed open ended question without confusing the layout.

Council was in favor of an open ended question. Council member Keany suggested reformatting question 20 to allow room and put "Comments:".

Mayor Muckle called for public comment.

PUBLIC COMMENT

John Leary, 1116 La Farge Avenue, Louisville, CO appreciated putting the line in he mentioned, but the context was not as he meant. He felt the question was, Louisville is about built out, do we want to densify. Through Special Review Use, numerous areas throughout town could be changed to residential development. Sam's Club is not the only chance for senior housing; don't imply that if you want senior housing this is the last chance.

Jean Morgan, 1131 Spruce Street, Louisville, CO not question #20 could all be on same line to make question #21 the comment line. She asked if this survey would be available to the general public after the random sample.

Public Relations Manager Muth noted sending out 2,000 surveys garnered a broad response and opening it to the public has not been done in the past. Mayor Muckle noted there would then be information not statistically valid.

Ms. Morgan asked about the words excellent, good, fair and poor. She wondered if this slanted to the positive. Public Relations Manager Muth noted the wording was used in previous surveys and if changed would not provide comparison.

MOTION: Council member Loo moved to approve the survey as amended, seconded by Council member Maloney. All in favor.

**DISCUSSION/DIRECTION – CHANGE TO VIDEO MINUTES
FOR CITY COUNCIL, PLANNING COMMISSION, AND
HISTORIC PRESERVATION COMMISSION**

Mayor Muckle called for a staff presentation.

Public Relations Manager Muth noted this year the City will be moving to a new web streaming service that will give staff the ability to embed links into the meeting minutes connecting each meeting item directly to a specific video section of the meeting.

Given the ease of this system for the end user, the technological ability we now have to maintain video files, and the ability to post to the City's web site action minutes linked to the video almost immediately following a meeting, staff is recommending transitioning from the current longer, written minutes to shorter, written action minutes with accompanying video as the record of the meeting.

The video minutes will not be searchable by word or name the way the written minutes are, however staff will index the minutes at multiple points to make it easier to find items or speakers (beginning of item, staff presentation, public hearing, closing public hearing, etc.). City Clerks' best practices are moving towards less detail in minutes and not identifying each and every speaker and every point made. That being the case, searching written minutes that aren't as detailed will mean video is likely a better option if the end user wants to know exactly what everyone said.

Such a change will save a great amount of staff time in both writing and reviewing the minutes, thus freeing up time for additional work load.

The State of Colorado Municipal Records Retention Manual requires a paper copy of minutes be kept in perpetuity. Charter Section 4-1(b) also states Council "shall cause minutes of each regular and special meeting to be taken and to be retained permanently in the records of the City." The action minutes from the meeting will meet these requirements. Additionally, the City's record retention system (Laserfiche) can take the video files and they will be available to the public through the City's Digital Records Repository on the City's web site giving the public two ways to find the video on the

City's web site. The video minutes files will be kept in perpetuity in the Digital Repository along with an index of the video.

The City Attorney is recommending an update to the Municipal Code to recognize a video record for purposes of required minutes, and further clarify and define this process to include links to Planning Commission and Historic Preservation Commission minutes in the City Council's quasi-judicial process.

The same minutes process will be used for Planning Commission meetings and Historic Preservation Commission meetings as those are the three boards for which we record meetings.

Staff recommended Council approve the change to video minutes for City Council, Planning Commission, and Historic Preservation Commission.

Mayor Muckle called for Council comment.

COUNCIL COMMENT

Council member Maloney asked about storage. Public Relations Manager noted it would be stored both on the web streaming server and in the record retention system. Council member Maloney felt the concept made sense and noted there were tools available to word search video.

Council member Stolzmann was glad to move toward saving the video, but until there was the availability to search the video, she wanted written minutes kept.

Council member Leh asked about cost savings. Public Relations Manager Muth noted the savings is staff time. Council member Leh wanted to wait until the technology was better defined.

Mayor Muckle called for public comment.

PUBLIC COMMENT

Debby Fahey,, 1118 W. Enclave Circle, Louisville, CO agreed technology was not at this position yet and wanted a paper copy of the minutes.

Jean Morgan, 1131 Spruce Street, Louisville, CO asked about adding page numbers to items on the agenda. Council members noted they used the agenda with links to go to the right page and there were also bookmarks to use to get to items.

Mayor Muckle asked if using video was the trend. Public Relations Manager noted it was and Boulder County and Littleton currently use video minutes.

Mayor Pro Tem Lipton felt he had heard the word search was important and the written minutes could be shorter and supplemented by the video.

Council member Stolzmann thought if minutes were scaled back, it would be helpful to have a link to the meeting minutes for the Historic Preservation Commission or the Planning Commission.

Mayor Muckle asked if both could be done. The answer was yes.

City Attorney Light wanted to confirm the direction from Council on the link to the Planning Commission or HPC video in a quasi-judicial hearing and what the evidence would be before Council. Right now there are code provisions that would need to be changed to reflect the minutes could consist of the video of the meeting.

Public Relations Manager Muth noted if Council was not ready to move forward with video minutes, the HPC and Planning Commission minutes would remain the same.

Council gave staff direction to continue with written minutes for but shorten them somewhat and continue to have video available as well.

CITY ATTORNEY'S REPORT

City Attorney Light noted the purchase of the parking lot parcel from DELO Plaza Development has been completed. He noted he had sent an Open Records request to Council members and asked them to respond.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

Council member Stolzmann gave an update on the eco-pass feasibility study on County issues including measuring support for a tax for a Pass program. Countywide it did not get the support so it was determined it was not ready for the ballot. Boulder and Lafayette may ask voters this fall to give a local pass. She wondered if there was interest in Louisville joining in proposing a Louisville/Lafayette joint pass sometime in the future.

Council member Leh received a question about whether it was possible for a Council attendee to cede their time to someone else and can a public member bring in a presentation.

City Attorney Light noted the agenda related material should be included in the packet due to the charter issue stating all agenda related material should be available 72 hours prior to the meeting.

Mayor Pro Tem Lipton cautioned having the public drive the agenda.

Council member Leh noted it was likely to be on controversial development issues and an opportunity for one to speak for many who agree.

Council member Loo suggested surveying other communities if this becomes an issue.

ADJOURN

MOTION: Mayor Muckle moved for adjournment, seconded by Council member Leh . All were in favor. The meeting was adjourned at 10:25 p.m.

Robert P. Muckle, Mayor

Carol Hanson, Acting City Clerk